

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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SERGIO MORALES,

Plaintiff,

v.

WILLIAM DONNELLY, et al.,

Defendant.

Case No. 3:16-cv-00371-MMD-WGC

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (ECF No. 23) (“R&R” or “Recommendation”) relating to Plaintiff’s motion for preliminary injunction (ECF No. 1-3). The parties had until September 12, 2016, to object to the R&R. No objection has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to


1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
3 view that district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Cobb's R&R. The Magistrate Judge  
10 recommended granting Plaintiff's motion for preliminary injunction. Upon reviewing the  
11 R&R and underlying briefs, this Court finds good cause to adopt the Magistrate Judge's  
12 Recommendation in full.

13 It is therefore ordered, adjudged and decreed that the Report and  
14 Recommendation of Magistrate Judge William G. Cobb (ECF No. 23) is accepted and  
15 adopted in its entirety.

16 It is ordered that Plaintiff's motion for preliminary injunction (ECF No. 1-3) is  
17 granted.

18 DATED THIS 21<sup>st</sup> day of September 2016.

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21 MIRANDA M. DU  
22 UNITED STATES DISTRICT JUDGE  
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